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IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF UTAH

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ARE YOU LISTENING YET PAC, and  
TRACIE HALVORSEN,

*Plaintiffs,*

v.

DEIDRE HENDERSON, lieutenant Governor of  
the State of Utah, in her official capacity

*Defendants.*

**LIEUTENANT GOVERNOR DEIDRE  
HENDERSON'S OPPOSITION TO  
MOTION FOR EXPEDITED  
BRIEFING SCHEDULE**

Case No. 2:24-cv-00104-JNP

Judge Jill N. Parrish

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Lieutenant Governor Deidre Henderson, through counsel, the Utah Attorney General's Office, hereby responds in opposition to Plaintiffs' Motion for Expedited Briefing Schedule (Doc. 2).

Plaintiffs served this lawsuit late afternoon Friday February 9th. With their Complaint and motion for preliminary injunction, Plaintiffs also served a Motion for Expedited Briefing Schedule asking the Court to set a three-day briefing schedule and immediate hearing on their motion for preliminary junction. Lieutenant Governor Henderson objects to such hurried assessment of this matter and asks that she be allowed a meaningful opportunity to respond in the time allowed under the Court's local rule DUCiv. 7-1, "within 14 days after service of the motion." The Court should deny Plaintiffs' Motion and instead enter an order setting a briefing schedule in accord with the Court's local rules.

When they filed their ballot initiative application in May 2023, Plaintiffs elected to complete the required signature gathering process by the statutory deadline, February 15, 2024. The initiative sponsors have had eight months to reach the statutory signature thresholds. The looming "harm" Plaintiffs now cite as basis for expedited injunctive relief, however, is not due to unreasonable and burdensome statutory deadlines; rather, the urgency is that the deadline is here and their effort to demonstrate a modicum of support for the initiative has fallen short. The crisis they cite in demanding expedited briefing is a crisis of their own making.

Despite over eight months of actively participating in the initiative process, Plaintiffs only now challenge the constitutionality of that process in this lawsuit, which they have filed at the last minute . . . less than a week before the statutory signature submission deadline. Still thousands of signatures short of the statutory threshold, Plaintiffs now attack the statutory

process they elected to use in their attempt to reverse the legislature's 2023 adoption of the new state flag legislation. The Court should decline the motion for expedited briefing schedule.

Plaintiffs' lawsuit asserts nine separate claims and alleges that at least eight separate provisions of the statutory ballot initiative process violate both the United States and Utah constitutions. The three-day briefing schedule Plaintiffs propose deprives the Lieutenant Governor a meaningful opportunity to fully address these constitutional claims. Following the local rules, on the other hand, provides for the fair administration of justice, full and reasoned briefing, and reasonable opportunity for the State to assess and respond to these claims. And allowing the full briefing time contemplated in the rule would not prejudice plaintiffs.

As noted, under local rule DUCiv 7-1, a response to a motion filed under rule 65 "must be filed within 14 days after service of the motion." Given the importance of these issues, and that Plaintiffs will not be prejudiced if the Lieutenant Governor responds within the 14 days allowed under the local rules, the Court should deny the motion for expedited briefing and enter a scheduling order that allows a meaningful opportunity to brief and be heard "within 14 days of after service of the motion," – no earlier than February 23, 2024.

DATED: February 12, 2024.

UTAH ATTORNEY GENERAL'S OFFICE

/s/ Jason N. Dupree

Jason N. Dupree

David N. Wolf

Scott D. Cheney

Assistant Utah Attorneys General

*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2024, I electronically filed the foregoing, **LIEUTENANT GOVERNOR DEIDRE HENDERSON'S OPPOSITION TO MOTION FOR EXPEDITED BRIEFING SCHEDULE** by using the Court's electronic filing system which will send a notice of electronic filing to the following:

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